

REMARKS

Applicants thank the Examiner for acknowledging the claim for priority under 35 U.S.C. § 119, and receipt of a certified copy of the priority document submitted March 26, 2004.

Applicants thank the Examiner for considering the reference cited with the *Information Disclosure Statement* filed March 26, 2004. Applicants also filed a second *Information Disclosure Statement* on October 7, 2005. Applicants request that the Examiner consider the references cited therein and return an initialed copy of the PTO/SB/08 form with the next official action.

Status of the Application

Claims 1-20 are all the claims pending in the Application, as claims 16-20 are hereby added. Claims 1-12 and 15 stand rejected.

Allowable Subject Matter

Applicants thank the Examiner for indicating that claim 13 and 14 are allowed.

Applicants thank the Examiner for indicating that claims 7, 8, 10 and 12 would be allowed if rewritten in independent form. However, Applicants respectfully request that the Examiner hold in abeyance such rewriting until the Examiner has had an opportunity to reconsider (and withdraw) the prior art rejection of the other claims.

Indefiniteness Rejection

The Examiner has rejected claims 7, 8, 10 and 12 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. While Applicants believe that the rejected claims are

definite as filed, claims 7, 8, 10 and 12 are amended herein in an editorial and clarifying manner. Specifically, the angular range of about 50 degrees “includes” a central axis of light emitted from the semiconductor light emitting unit, as would be understood by an artisan of ordinary skill from the original application including the drawing figures. As these amendments are editorial and clarifying, they are not for reasons of patentability, and therefore no estoppel applies. In view of the above, withdrawal of the rejection is respectfully requested.

Obviousness Rejection

The Examiner has rejected claims 1-6, 9, 11 and 15 under 35 U.S.C. § 103(a) as being unpatentable over *Amano* (US 6,814,475 B2; hereinafter “*Amano*”) in view of *Naganawa* (US 6,637,914; hereinafter “*Naganawa*”). This rejection is respectfully traversed.

Independent Claim 1

The Examiner takes the position that *Amano* discloses, in FIG. 2, many of the features recited in independent claim 1, but fails to teach or suggest “a horizontal cutoff line.” Applicants agree that *Amano* fails to teach or suggest such a feature.¹

To supply this deficiency, the Examiner applies *Naganawa*, alleging that: (1) it discloses such a “horizontal cut off line” in FIG. 3; and (2) one of skill in the art at the time of the invention (“one of skill”) would have been motivated to modify *Amano* “to have a horizontal cutoff line as taught by [*Naganawa*] in the headlamp of [*Amano*] for the purpose and advantage

¹ Applicants also disagree with the Examiner’s interpretation of *Amano*, as discussed below.

of producing a low beam light distribution pattern and preventing a glare imparted to oncoming traffic” (*O.A.*, p. 4).

Applicants respectfully disagree, and submit that one of skill would not have been motivated to modify *Amano* as alleged. In this regard, it has long been held that the Examiner must “show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for a combination in the manner claimed.” *In re Rouffet*, 47 USPQ2d 1453 (Fed.Cir. 1998). The mere fact that references can be “combined or modified does not render the resultant combination [or modification] obvious unless the prior art also suggests the desirability of the combination [or modification].” *In re Mills*, 916 F.2d 680 (Fed.Cir. 1990); MPEP §2143.01.

Here, *Amano*’s FIG. 2 embodiment is not a headlight as the Examiner alleges. Rather, the particular embodiment of FIG. 2 is specifically indicated to be a “rear combination lamp” with a “first lamp unit 20 functioning as a tail and stop lamp and a second lamp unit 40 functioning as a turn signal lamp” (col. 4, lines 12-15). In other words, *Amano*’s FIG. 2 embodiment is a tail lamp.

In contrast, *Naganawa* discloses that a horizontal cut-line is provided on vehicle headlamps to prevent glare imparted on an oncoming vehicle. *Naganawa* fails to teach or suggest any reason to impart a horizontal cut-line on a tail lamp, such as that disclosed in FIG. 2 of *Amano*. Further *Amano* is silent regarding any need to reduce glare from its tail lamp.

Accordingly, Applicants respectfully submit that the Examiner has failed to cite any particular teaching or suggestion in either of the applied references that would cause one of skill to provide a horizontal cut line in a tail lamp.

Additionally, even if it were possible to modify *Amano* in view of *Naganawa* as the Examiner has alleged, Applicants respectfully submit that neither *Amano* nor *Naganawa*, nor any combination thereof, teaches or suggests independent claim 1's recitation of a "substantially rectangular first light emitting chip."

Specifically, *Amano* is silent with respect to any teaching or suggestion of a shape of any feature that could reasonably be read as a "light emitting chip." For example, the LED light sources 28 cited by the Examiner to allegedly show such a feature are clearly not rectangular. Rather LED light sources 28 are illustrated as being round in shape. Further, no particular detail of a shape of any feature within the LED light sources 28 is disclosed. *Naganawa* also fails to teach or suggest such a feature, as it does not utilize a light emitting chip.

Thus, Applicants respectfully submit that independent claim 1 is patentable over the applied references. Further, Applicants respectfully submit that rejected dependent claims 2-6, 9 and 11 are: (1) allowable at least by virtue of their dependency; and (2) separately patentable over the applied references.

For example, Applicants respectfully submit that the applied references fail to teach or suggest claim 2's recitation that "the second light source is oriented such that the second light emitting chip is inclined downward at said angle," where the angle is that of the oblique cutoff

line relative to the horizontal cutoff line. Specifically, *Amano* discloses LED light sources 28 and 48 that emit light in opposite directions, not at directions at any particular angle to each other. *Naganawa* also fails to teach or suggest such a feature, as it does not utilize light emitting chips.

Independent Claim 15

The Examiner alleges that all of the features of independent claim 15 are disclosed by a combination of *Amano* and *Naganawa*. Applicants respectfully disagree, and submit that one of skill would not have been motivated to modify *Amano* in view of *Naganawa*, for at least the reasons discussed above with respect to independent claim 15.

Thus, Applicants respectfully request that the Examiner withdraw this rejection.

New Claims

Claims 16-20 are hereby added. Claims 16-20 are fully supported *at least* by FIGS. 2 and 4a of the instant Application. Claims 16-20 are respectfully submitted to be allowable both by virtue of their dependency, and by virtue of the features recited therein.

Conclusion

In view of the foregoing, it is respectfully submitted that claims 1-20 are allowable. Thus, it is respectfully submitted that the application now is in condition for allowance with all of the claims 1-20.

Amendment Under 37 C.F.R. § 1.111
U.S. Appln No. 10/809,871

Attorney Docket # Q80129

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Please charge any fees which may be required to maintain the pendency of this application, except for the Issue Fee, to our Deposit Account No. 19-4880.

Respectfully submitted,


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